IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7032 of 2021

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Arun Kumar Agrawal Son of Mohan Lal Agrawal, Resident of Mohallah- Sati Nath Bhaduri Lane, Bhatta Durgabadi, Purnea (Bihar).

... ... Petitioner

Versus

1. The Punjab National Bank through Regional Manager Katihar Circle, Katihar.
2. The Chief Manager Punjab National Bank, Katihar Circle Office, Katihar.
3. The Chief Manager-Cum-Authorized Officer Branch Office Purnea (Katihar Circle), Purnea.

... ... Respondents

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Appearance :
For the Petitioner : Mr. Abhishek, Advocate
For the Punjab National Bank: Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 04-05-2021

Heard learned counsel for the petitioner and learned counsel for the Punjab National Bank through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

> *"(a) For setting aside the Notice dated 16.12.2020 issued to the petitioner by the respondent Bank under Section*

13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter called as "SARFAESI Act') ignoring the fact that representation under Section 13(3) of the Act is pending and petitioner is ready to deposit the loan amount.

(b) For stay and effect of the Notice dated 16.12.2020 till the decision on the representation dated 24.11.2020 submitted by the petitioner before the respondent Bank under Section 13(3) of the SARFAESI Act or till the decision of present writ application.

(c) For a direction to the respondents to take steps for fixation of installment of loan amount in view of the fact that petitioner is ready to pay the amount and was suffering from major illness which was the reason behind non-payment of loan amount within a period fix by respondent Bank.

(d) For grant of any other relief or reliefs in view of the fact and circumstances of the present case as well as on the fact that the petitioner is ready to deposit the loan amount within a reasonable period of time."

3. Learned counsel for the petitioner submits that the petitioner had regularly been paying the installments against the dues but fell into arrear owing to ongoing Covid-19 pandemic. The petitioner is willing to make payment of the dues on fixation of appropriate installments.

4. Learned counsel for the respondent-Bank appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the ends of justice will be met by granting liberty to the petitioner to avail of the statutory remedy under Section 17 of the SARFAESI Act, 2002 for redressal of his grievances, if so advised.

6. It is made clear that in case such a petition is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

7. The writ petition stands disposed of with the aforesaid observations.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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AFR/NAFR	NAFR
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